REMARKS/ARGUMENTS

Favorable reconsideration of this application is requested in view of the above amendments and in light of the following remarks and discussion.

Claims 1-16 are pending. Claims 1-10 are amended. Claims 11-16 are newly added. Support for the amendments to Claims 1-10 is self-evident inasmuch as these claims are amended to address the rejections under 37 C.F.R. § 112, second paragraph. Additional support can be found in Fig. 3, for example. Support for newly added dependent Claims 11 and 12 can be found in original Claim 4, for example. Support for newly added Claims 13-16 can be found in Fig. 3, for example. The specification is amended to clarify a correlation between reference numbers listed in the specification and appearing in the Figures. No new matter is added.

In the outstanding Office Action, the drawings were objected to as not depicting every feature recited in the claims and for listing different reference numbers as identifying a flange and adhering part. Claim 9 was objected to as presented in improper multiple dependent form. Claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claim 10 was rejected under 35 U.S.C. § 101 as an improper process claim. Claims 1-8 and 10 were rejected under 35 U.S.C. § 102(b) as anticipated by Inoue (U.S. Patent Pub. 2004/0136628, herein "Inoue").

Regarding the objection to the drawings as not depicting "the plurality of convex parts arranged in the circumferential direction in a predetermined interval," Applicants respectfully submit that one example of the above-noted feature is depicted by reference number (57) in Fig. 6 and described in the specification on page 40, line 10 - page 41, line 4. Accordingly, Applicants respectfully submit that the features noted in the objection to the drawings are identified in at least Fig. 6, and the objection to the drawings as not showing all of the features recited in the claims is overcome.

Regarding the objection to the drawings as failing comply with 37 C.F.R. § 1.84 (p)(4) for having different reference characters identifying the same feature, the specification is amended to clarify that the flange (13) is on the vehicle side raceway, and the flange part (18) is on the wheel side raceway. Accordingly, Applicants respectfully submit that this objection to the drawings is overcome.

Regarding the objection to the drawings for using reference numbers (51) and (54) to identify an "adhering part," the specification is amended to clarify that reference number (51) identifies an adhering part of the fixed side sealing member. Applicants further respectfully submit that the context of the paragraph in which reference number (54) appears makes clear that this reference number identifies the adhering part of the rotating side seal member. Accordingly, Applicants respectfully submit that all of the objections to the drawings are overcome.

Regarding the objection to Claim 9 as an improper multiple dependent claim depending from another multiple dependent claim, Claim 9 is amended to remove the multiple dependency. Accordingly, Applicants respectfully submit that the objection to Claim 9 for improper form is overcome.

Regarding the rejection of Claims 1-10 as indefinite, those rejections are respectfully traversed by the present response. Fifteen separate rejections for indefiniteness were made on pages 4-5 of the outstanding Office Action, and the present response addresses the fifteen separate rejections for indefiniteness in sequential order.

Regarding the first rejection for indefiniteness, Claim 1 is amended to recite "an axis of rotation," and Applicants respectfully submit that, in light of this amendment, a person of ordinary skill in the art would understand the direction referred to by an "axial direction." In other words, in the axial direction means along a direction parallel to the axis of rotation. Additionally, "the outer end part in the axial direction of the fitting cylindrical part" has been

amended to recite "an outer end part in the axial direction of the fitting cylindrical part." Accordingly, Applicants respectfully submit that the rejection of Claim 1 for indefiniteness for reciting the above-noted features overcome. Moreover, the phrase "the other" has been amended to recite "the other of the core metal part and the rotating side seal member." Thus, when the elastic seal is arranged on one of the core metal part and the rotating side seal member, the elastic seal is in slidable contact with the other of the core metal part the rotating side seal member.

Regarding the second rejection of Claim 1 for indefiniteness, Applicants respectfully submit that "a *fitting* cylindrical part" is different than "the cylindrical part recited in the second paragraph of the body of original independent Claim 1. However, in order to advance prosecution, Claim 1 is amended to specify that "the cylindrical part" is a "rotatable cylindrical part" when this phrase is used to refer to the cylindrical part of the rotating side seal member. Accordingly, Applicants respectfully submit that the cylindrical part of the rotating side seal member is clearly differentiated from the cylindrical part of the core metal part.

Regarding the third rejection of Claim 1 for reciting "a fixed member," this phrase is amended to recite "the fixed member" where appropriate. Accordingly, Applicants respectfully submit that the third rejection for indefiniteness is overcome.

Regarding the fourth rejection for indefiniteness, as discussed above "the cylindrical part" is replaced with "the rotatable cylindrical part" where appropriate. Accordingly, Applicants respectfully submit that the rotatable cylindrical part, the fitted cylindrical part, and the moisture entering prevention cylindrical part are clearly differentiated from each other.

Regarding the fifth rejection of Claim 1 for indefiniteness, Applicants respectfully submit that there is an outer end part of the **rotatable** cylindrical part, and there is an outer

end part of the **fitting** cylindrical part. In other words, one cylindrical part is rotatable, and one cylindrical part, which is associated with the rotating side seal member, is now designated as a **rotatable** cylindrical part. Accordingly, Applicants respectfully submit that the fifth rejection of Claim 1 as indefinite is overcome.

Regarding the sixth rejection for indefiniteness, in relation to dependent Claim 2, as discussed above, "the cylindrical part" is replaced with "the rotatable cylindrical part" where appropriate. Accordingly, Applicants respectfully submit that the sixth rejection for indefiniteness is overcome.

Regarding the seventh rejection for indefiniteness, in relation to dependent Claims 2 and 3, the phrase "configured by" is replaced with "comprising" or "including" in Claims 2 and 3 where appropriate. Accordingly, Applicants respectfully submit that the seventh rejection for indefiniteness is overcome.

Regarding the eighth rejection for indefiniteness, in relation to Claim 2, "a coupling part" is amended to recite "a second coupling part" where appropriate. Additionally, Claim 1 is amended to recite "a first coupling part" rather than "a coupling part" where appropriate. Accordingly, Applicants respectfully submit that the eighth rejection for indefiniteness is overcome.

Regarding the rejection of Claims 2 and 3 as indefinite for reciting "made to" in the ninth indefiniteness rejection, the phrase "made to" is replaced with further descriptive language in dependent Claims 2 and 3. Accordingly, Applicants respectfully submit that the ninth rejection for indefiniteness is overcome.

Regarding the tenth rejection for indefiniteness, beginning on page 5 of the outstanding Office Action, Claim 3 is amended to recite that the outer portion, in the axial direction, has a diameter smaller than the inner portion, in the axial direction. This

clarification also deletes the language "is more depressed." Accordingly, Applicants respectfully submit that the tenth rejection for indefiniteness is overcome.

Regarding the eleventh rejection for indefiniteness, "the end part" is replaced with "an end part" where appropriate in dependent Claim 3. Accordingly, Applicants respectfully submit that the eleventh rejection for indefiniteness is overcome.

Regarding the twelfth rejection for indefiniteness, in relation to Claim 5, the phrase "the inner diameter" is deleted.

Regarding the thirteenth rejection for indefiniteness, in relation to Claim 6, "the resin member" is replaced with "the resin." Additionally, "the outer surface" is replaced with "an outer surface." Furthermore, the phrase "the inner surface" is replaced with "an inner surface." Accordingly, Applicants respectfully submit that the thirteenth rejection for indefiniteness is overcome.

Regarding the fourteenth rejection for indefiniteness, in relation to dependent Claim 7, the phrase "the resin portion" is replaced with "the resin."[1]

Additionally, the phrase "the outer surface" has been replaced with the phrase "an outer surface." Furthermore, the phrase "the inner surface" has been replaced with the phrase "an inner surface." Accordingly, Applicants respectfully submit that the fourteenth rejection for indefiniteness is overcome.

Regarding the rejection of Claim 10 in the fifteenth rejection for indefiniteness, Claim 10 is amended to clarify that this claim is directed to a structural feature and is not a process claim. Accordingly, Applicants respectfully submit that the fifteenth rejection for indefiniteness is overcome.

Regarding the rejection of Claim 10 under 35 U.S.C. § 101 as reciting a use without setting forth process steps, the language referring to the use of the structure recited in Claim

[1] The outstanding Office Action refers to Claim 6, but apparently intended to refer to Claim 7 in this rejection inasmuch as the phrase "the reason portion" does not appear in Claim 6 and instead appears in Claim 7.

10 has been deleted. Accordingly, Applicants respectfully submit that the rejection of Claim 10 as an improper definition of a process is overcome.

Regarding the rejection of Claims 1-8 and 10 as anticipated by Inoue, that rejection is respectfully traversed by the present response.

Amended independent Claim 1 recites, in part:

> a fixed side seal member including
> a core metal part fitted and fixed to a fixed member, and
> a sensor adhered via resin to the core metal.

Accordingly, the core metal part is fitted to the fixed member.

The outstanding Office Action refers to reference number (26) of Fig. 2 of Inoue and asserts that this component is fitted to a fixed member (14). However, Applicants respectfully submit that Fig. 2 of Inoue does not depict a reference number (26) or a reference number (14).

Additionally, with reference to Fig. 3 of Inoue, Applicants respectfully submit that Inoue does not describe any seal member fitted to a fixed member as a person of ordinary skill in the art would understand the term seal member. Rather, Inoue describes resin (17) disposed between the outer ring member (2) and the core metal (86) and the core metal (83). Accordingly, Applicants respectfully submit that amended independent Claim 1 patentably distinguishes over Inoue for at least the reasons discussed above.

Additionally, the outstanding Office Action, on page 7, cites an elastic seal (38) and asserts that this component correlates the elastic seal recited in independent Claim 1. However, Inoue does not describe a reference number (38).

To the extent that the outstanding Office Action relies on the lip (87) for the recited elastic seal, Applicants respectfully submit that this component is disposed on the pulser ring (16) and not on a fixed side seal member or a rotatable side seal member as recited in amended independent Claim 1.

Additionally, amended independent Claim 1 recites, in part,

> a moisture entering prevention cylindrical part extending outward in the axial direction in continuation with the first coupling part.

To the extent that the outstanding Office Action relies on the lip (84) as shown in Fig. 3 of Inoue, for the above-noted feature, Inoue does not then disclose or suggest an elastic seal arranged on one of core metal part and rotating seal member to slidably contact the other of the core metal part and rotating side seal member. In other words, Inoue does not disclose both a moisture entering prevention cylindrical part as recited in amended independent Claim 1 **and** an elastic seal arranged on one of the core metal part and rotating side seal member to slidably contact the other of the core metal part and rotating side seal member. Accordingly, Applicants respectfully submit that amended independent Claim 1 further patentably distinguishes over Inoue for the above-noted reasons.

In light of the differences between the reference numbers cited in the outstanding Office Action and those described in Inoue, Applicants submit that it is possible the outstanding Office Action intended to refer to some other patent or publication.

Based on a review of the references cited in the form 892 at the end of the office action, it is possible that the outstanding Office Action intended to refer to Toda (U.S. Patent No. 6,499,855, herein "Toda") in the rejection of Claims 1-10. Applicants respectfully submit that Claim 1 and the claims depending therefrom patentably distinguish over Toda for at least the same reasons discussed above in the remarks on the rejection based on Inoue.

For example, the elastic lip (38) described in Toda is not disposed on one (and in slidable contact with the other) of the first seal ring (22), which the outstanding Office Action cites for the fixed side seal member, and the second seal ring (24), which the outstanding Office Action cites for the recited rotating side seal member. Rather, the elastic lip does not contact the second seal ring (24).

In contrast, Claim 1 of the present application recites that the elastic seal is arranged on one of the core metal part and the rotating side seal member to slidably contact the other of the core metal part and the rotating side seal member.

Additionally, the first seal ring (22) in Toda is not fitted to the outer ring (14). In contrast, independent Claim 1 of the present application recites that the fitting cylindrical part is fitted and fixed to the fixed member.

Newly added dependent **Claim 13** recites that the sensor is disposed **radially between** the fitted cylindrical part and the moisture entering prevention cylindrical part. Applicants respectfully submit that Inoue and Toda do not disclose the above-noted feature.

Newly added dependent **Claim 14** recites that the elastic seal is received in a cavity in the flange part of the rotating side seal member. As shown in Fig. 3, Inoue does not disclose the above noted feature. Accordingly, Applicants respectfully submit that newly added dependent Claims 13 and 14 further patentably distinguish over Inoue for at least the above-noted additional reasons.

For the foregoing reasons, it is respectfully submitted that this application is now in condition for allowance. A Notice of Allowance for Claims 1-16 is earnestly solicited.

Should Examiner Waits deem that any further action is necessary to place this application in even better form for allowance, Examiner Waits is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

As it is unclear whether the outstanding Office Action intended to cite Inoue, Toda, or some other reference in the rejection based on 35 U.S.C. § 102, **Applicants respectfully submit that the next Official Communication should not be a final Office Action on the merits.**

Respectfully submitted,

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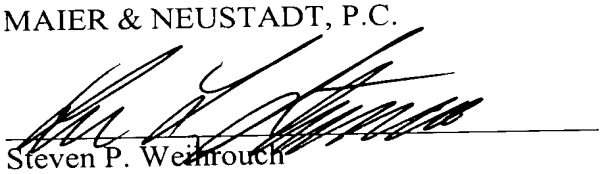

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